



North Carolina Industrial Commission

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A Summary for Injured Workers of the Rules Governing the Use of Rehabilitation Professionals in Workers' Compensation Cases

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A Rehabilitation Professional (RP) is an independent professional hired or employed by your employer or insurance company. Some are Medical Rehabilitation Professionals and some are Vocational Rehabilitation Professionals.

Your Obligations

1. As with all properly directed medical care, you must cooperate with rehabilitation and you must cooperate with your Rehabilitation Professional or your Workers' Compensation benefits might be cut off.
2. If your RP asks you to, you are required to sign the Form 25C Consent allowing him or her to review your medical records relating to your Workers' Compensation claim. If you do not sign the consent form, your employer may seek to have your benefits suspended, but you will have an opportunity to explain to the Industrial Commission why you did not want to sign the consent form.
3. Regardless of whether you sign the consent, the RP may have limited communications with your doctor or doctor's office in certain circumstances such as the following. These are: (a) scheduling appointments or requesting time sensitive medical records; (b) medical emergencies; (c) your health or treatment would be hurt by a delay or helped by immediate action; (d) to provide your doctor with approval for recommended testing or treatment; (e) when you or your attorney have already signed an appropriate consent to allow other types of communication; (f) if your doctor initiates the communication; (g) if

you do not show up for a scheduled appointment or arrive early or late for the appointment and see your doctor at a time other than your scheduled appointment. If your RP does talk to your doctor without your prior consent or when you are not present, your RP must promptly tell you the reasons for the communication and what was said.

4. You should allow your RP to meet with you and your doctor following a private examination.
5. You must cooperate with your RP in the development and carrying out of an individualized vocational rehabilitation plan. The goal of this plan will be to get you back to a job which pays as close as practical to your pre-injury wage as soon as possible.

Your Rights

1. At your first meeting, your RP must provide you with a copy of this summary or a copy of the *North Carolina Industrial Commission Rules for Utilization of Rehabilitation Professionals in Workers' Compensation Claims* as approved by the Commission.
2. Your RP is accredited by a professional organization. You may ask for a copy of that group's code of ethical practices.
3. Your RP must tell you about and explain any conflicts of interest or relationships between your RP and your employer or any insurance company.
4. Your doctor directs your care. Your RP may not try to switch you to another doctor or tell your doctor what kind of

treatment you should have or where you should go for additional testing or treatment. Your doctor may consult with your RP regarding treatment options.

5. You are entitled, free of charge, to copies of all reports prepared by your RP. You are also entitled to receive all correspondence between the RP and anyone else involved with your care and case, including your doctor(s), the insurance company, and your employer. If you want copies of any or all of these, you should specifically ask your RP to provide them. Your RP should report to you periodically any discussions he or she has had with others about your care or case.
6. If your RP plans to give your doctor a written or videotaped job description, your RP must:
 - Give you, or your lawyer a copy before giving it to your doctor. If you have any specific concerns or objections about the job description, you must notify your RP immediately.
 - Prepare the job description in a way which accurately lists the physical requirements (including the amount of sitting, standing, walking, bending, climbing, crawling, lifting, carrying), equipment used, and environmental factors such as extreme temperatures, noise, chemical, or other exposure.
7. You have the right to a private examination by your doctor, if you so choose. You also have the right to have your RP in the exam room as long as your doctor approves. After you have had a

private exam, if your RP wants to discuss anything with your doctor, you have the right to participate in the discussion, unless your doctor says there is a reason why you should not be present.

8. If your RP does not follow these rules or you believe you have other good reasons, you may ask the Industrial Commission to remove your RP from your case. You may make this request by sending a letter explaining your reasons to the Industrial Commission's Executive Secretary's Office and sending a copy of your letter to the insurance company and your RP.

In General

1. The RP's main concern and commitment must always be to your medical and vocational rehabilitation.
2. If your RP is assisting with your return to work, your RP must develop an individualized plan specifically for you. The individualized plan must be designed to help you return to a job as soon as possible which pays as close to your pre-injury wage as is practical. In developing this plan and recommending any jobs, your RP must consider your qualifications (age, education, work experience, physical and mental capacities), impairment, vocational interests, and aptitudes.
3. Your RP should consider your transportation requirements for any proposed job.
4. Your RP may not ask you to continue looking for work if there's not a reasonable likelihood that you can find a

suitable job. Under some circumstances, your RP can recommend retraining.

5. Your RP will share relevant and material information with the Workers' Compensation insurance representative and your employer. Your RP may be required to testify in hearings before the Industrial Commission about anything you tell him or her.
6. If you request a second opinion or if you are sent for a second opinion or independent medical examination by your employer or its insurance company, your RP can help assemble records, schedule and coordinate the appointment. However, your RP may attend second opinion or independent medical examinations only with your permission.
7. Your RP may not answer any legal questions or give you legal advice. If you have a lawyer, you should ask your lawyer any legal questions. If you do not have a lawyer, you can direct your questions to the Industrial Commission's Workers' Compensation Specialists at **(800) 688-8349, (919) 807-2501**, or InfoSpec@ind.commerce.state.nc.us.